THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 27340 of 2005

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DATED: 23.12.2005

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Between:

Sri Mohd. Yousuf Ali

… Petitioner.

AND

The Chief Rationing Officer,

Civil Supplies, Opp: Anand Theatre,

Secunderabad & two others.

… Respondents

ORDER:-

This writ petition is filed to declare the action of the 1st respondent in not disposing the appeal or the stay application filed against the 2nd respondent's order, dated 17.11.2005, as illegal, arbitrary and violative of Articles 14, 19 and 300-A of the Constitution of India.

Learned counsel for the petitioner submits that the fair price shop dealership of the petitioner in respect of shop No.507 situated at Langar House, Hyderabad, was cancelled by District Supply Officer, Hyderabad, vide his proceedings dated 17.11.2005, against which the petitioner filed an appeal on 05.12.2005 before the 1st respondent along with an application for grant of stay. He further submits that the appellate authority is not considering and disposing the appeal as well as the stay application filed by the petitioner.

Having regard to the facts and circumstances of the case, I am of the opinion that when an appeal has been filed, it is just and proper for the appellate authority to consider and dispose of the stay application and thereafter the appeal itself, after giving reasonable opportunity to the petitioner in accordance with law.

Accordingly, the writ petition is disposed of directing the 1st respondent to consider and dispose of the stay application, within two weeks from the date of receipt of this order and thereafter the main appeal itself may be disposed of in accordance with law after giving reasonable opportunity to the petitioner. No order as to costs.

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23.12.2005

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